



# **THE ATTORNEY GENERAL OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

October 10, 1960

Mr. W. K. Peace  
State Librarian  
Texas State Library  
Austin, Texas

Opinion No. WW-950

Re: Will it be mandatory that the words "State Archives and Library Building" be placed in permanent form on that Building that will house the Texas State Library?

Dear Mr. Peace:

Your letter requesting an opinion from this department asks the following question:

"Will it be mandatory that the words 'State Archives and Library Building' be placed in permanent form on that Building that will house the Texas State Library?"

Article 678m-2, Vernon's Civil Statutes, as amended by Acts 55th Legislature, Second Called Session, 1957, ch. 21, p. 181, states in part:

"Notwithstanding other provisions of law, the Legislature may appropriate money from the Motor Vehicle Inspection Fund for the purpose of constructing and initially equipping a building to be known as the 'State Archives and Library Building' to house the State Library and the State Archives, Museum and Land Office, . . ."

In House Bill 133, Section 1, Article 3, Acts 55th Legislature, Regular Session, 1957, ch. 385, p. 954, and in House Bill 4, Section 1, Article 3, Acts 56th Legislature, Third Called Session, 1959, ch. 23, p. 514, both of which are appropriation bills, this building is referred to as the State Library and Archives Building.

It is a well settled rule that "an appropriation bill cannot repeal, modify, or amend an existing state law."

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Conley v. Daughters of the Republic, 151 S.W. 877 (Civ. App. 1912), Linden v. Finley, 92 Tex. 451, 49 S.W. 578 (1899), Attorney General's Opinion WW-693 (1959). Therefore, Article 678m-2 is controlling over the above cited appropriation bills.

There is nothing mentioned in Article 678m-2 about placing an inscription on the Building and it is the opinion of this office that it is not mandatory that the name "State Archives and Library Building" be placed in permanent form on this Building.

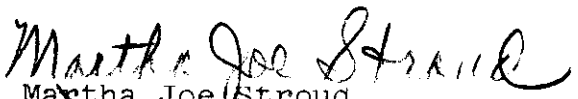
However, it is the further opinion of this office that the Legislature has designated this Building as the "State Archives and Library Building" and if a name is inscribed on the Building it must be "State Archives and Library Building."

#### S U M M A R Y

The Legislature in Article 678m-2, Vernon's Civil Statutes, expressed its intention that the Building referred to above should be known as the "State Archives and Library Building" but did not require that such title should be put in permanent form on that Building.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By   
Martha Joe Stroud  
Assistant

MJS:mm

APPROVED:

OPINION COMMITTEE  
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REVIEWED FOR THE ATTORNEY GENERAL  
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